

MINUTES
CITY COUNCIL MEETING – COLUMBIA, MISSOURI
MAY 7, 2007

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, May 7, 2007, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE and NAUSER were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

Ms. Hoppe asked that the minutes reflect her stating she took a Road I bike course held by Fred Schmidt and Robert Johnson during the STP enhancement funding discussion. She wanted it included in order to encourage other people to take the course.

Mr. Wade made the motion to approve the minutes of the regular meeting of April 16, 2007 with the change requested by Ms. Hoppe. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

Mr. Skala made the motion to add a street closure request involving the Blue Note's Ninth Street Summerfest to the Reports section. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The agenda, as amended, was approved unanimously by voice vote on a motion by Mr. Skala and a second by Ms. Crayton.

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENT

Michael J. Martin - North Central Columbia Citizen Tax Rebates.

Mike Martin, 206 S. Glenwood Avenue, provided a handout and explained in 2005 he received a tax bill for street improvements on property he had purchased. He noted he had not previously seen this in the public record and understood they were not recorded until recently. He stated he purchased two properties on Sixth Street and received the tax bill notice about a year afterward. He had asked the Council to reconsider the bills since they were attached to CDBG and low income neighborhoods. He also pointed out they were tardily billed. He felt he had paid a higher price for the property since he purchased the property after the improvements had been made. He commented that Mr. Janku made that same argument to justify a similar rebate for people on Sunflower Street and used the term "intervening purchasers." Mr. Martin read part of a Missourian article which indicated that nearly half of the Sunflower Street residents would receive the tax break and that the City Council would examine a similar situation on Sixth Street. At that meeting, he argued that

since the Council was considering eliminating the tax for Sunflower Street residents who had purchased property after the improvements were made, but before the tax bills were sent out, the Council needed to examine the issues involving Sixth Street. He stated the minutes indicated Council had voted unanimously to examine intervening purchasers on North Sixth Street who did not pay the street improvement tax because it was neither billed nor recorded but did pay a market price for their properties which included consideration for the improved street. He referred to other meeting minutes and noted Mr. Janku proposed the tax elimination for several Sunflower Street property owners because they were intervening purchasers and would then be paying twice. Mr. Martin noted Mr. Glascock stated that when considering special benefits accrued, the Council had to consider increased property values and commented that the real estate market also considered increased property values, so one was paying for the street improvement when purchasing the property. In regard to the tax bill notification delay on Sixth Street, he stated Mayor Hindman indicated staff would now have a coordinated notification, so there would be sooner notifications and a place where the title companies could find the pending bills. In regard to tardy tax bills for Sunflower Street and Sixth Street, he noted Mr. Hutton stated that looking at this issue six years after it was done was a major problem. Mr. Martin asked the Council to look at the Sixth Street intervening purchasers and to follow through with Mr. Janku's proposal of requesting staff to examine the taxes for the people on Sixth Street as had been done for the people on Sunflower Street in order to determine if refunds or rebates could be made due to them being intervening purchasers.

Ken Midkiff - Public Records when Columbia Contracts with Private Business.

Ken Midkiff, 1005 Belleview Court, stated he was speaking on behalf of the local Sierra Club, the Osage Group, and noted Chapter 610 of the Revised Statutes of Missouri required meetings, records, votes, actions and deliberations of local governmental bodies to be open to the public unless otherwise provided by law. He noted it indicated certain sections to be liberally construed and their exceptions strictly construed in order to promote this public policy. Mr. Midkiff commented that the City's Attorney, Mr. Boeckmann, indicated by letter that in any contract made by the City with a private entity, the records of that private entity kept in accordance with the contract were not public records. He understood Mr. Boeckmann issued this interpretation after consultation with the Attorney General's office. Mr. Midkiff noted he also spoke with the Attorney General's Office and there was a difference of opinion within that office as he was told something different. He referred to 610.010(6) which indicated a public record was defined as any record, including records created or maintained by private contractors under an agreement with a public governmental body. As a result, they believed Mr. Boeckmann was wrong. He construed public access to records in the very strictest sense rather than providing a liberal construction. In addition, there was no specific exemption for records maintained by a private entity under contract with a public governmental body. The definition of a public record included the records of a private entity under a contract with a public governmental body. Mr. Midkiff understood this did not apply to all records of a private business, but did apply to those created or maintained under the terms of the contract. They believed Chapter 610 already covered this issue and by denying

access to public records maintained by a private entity at an unreasonable cost, the City was in violation of the Sunshine Act and would continue to be in violation if the City Attorney's advice was followed. In order to avoid this dilemma, he believed every contract with a private entity should include language stating "the contractor agrees to comply with all laws to which the City of Columbia is required to obey." He understood a concern was raised that private entities might not wish to enter into a contract with such language and stated they did not think the City should be contracting with an entity that would not abide by the laws of the State of Missouri.

Dave Griggs - Stormwater Runoff at "The Links".

Dave Griggs, co-chair of the City/County Stormwater Task Force, introduced Charles Laun, a member of the Task Force and a retired biologist, who would be making comments to ensure everyone was aware of the stormwater ordinance and the additional training and staff that would be required to adequately implement the ordinance.

Charles Laun, 4849 E. St. Charles, showed photos on the overhead and stated he had been monitoring lakes and streams in Columbia since 1960. He noted the Hominy Creek had been brown in color for most of the year the last two years and one cause was pollution of the soil just north of I-70. He explained that years ago most silt pollution came from farming practices, but now it was mostly from building practices. There were higher levels of silt in rivers and streams because vegetation had been removed. This needed to be taken care of with recommended stormwater practices, such as silt fences, maintenance and enforcement. He noted more people would be needed for enforcement. He commented that a great load of silt could wipe out almost all organisms and that some living organisms could survive a little, but not continuously for 2-3 years. They hoped the City could get more people in order to inspect the streams and enforce the ordinance.

Mayor Hindman understood this happened prior to the passage and effectiveness of the new ordinance and asked if the result would be the same when the present ordinances became effective. He wondered if this would even be a violation of those ordinances. Mr. Griggs replied this problem was aggravated by the development at the intersection of St. Charles Road and I-70 where a large apartment complex was being constructed. The streets were not yet constructed, so the concrete trucks, lumber trucks, etc. were virtually swimming to the project as the project was under full force construction with no adequate way to deal with the sediment runoff. As Columbia fell under more restrictive Federal mandates when the population reached 100,000, they would have to find a way to deal with these issues. Mayor Hindman understood the pictures were from current activity. Mr. Griggs replied they were showing the results of the stream due to activity that was going on in that neighborhood right now. Mayor Hindman thought the speaker indicated it had been brown for about two years. Mr. Griggs agreed, but pointed out it was previously not at this extent.

Mr. Skala stated he was familiar with the area as he lived about 1,000 yards away and had taken a series of photos before there was any development pressure in the area. He agreed the water was getting browner and believed that was a function of the development pressure. He believed the more that happened, the more protection they needed to give the creek. He asked how the health of the creek had been affected by the development pressure

the last several years. Mr. Laun stated it had gone down tremendously with hardly any invertebrates living in it. He noted it was a continuous stream of sediments.

Ms. Hoppe understood the silt fences were not doing the job they were suppose to do and the City did not have enough enforcement people to check on it. Mr. Laun replied that was correct.

PUBLIC HEARINGS

B119-07A Voluntary annexation of property located at 254 West Old Plank Road; establishing permanent R-3 zoning.

Mayor Hindman explained the applicant requested that this item be withdrawn.

B134-07 Rezoning property located on the south side of St. Charles Road, across from Dorado Drive; from A-1 to PUD-6; approving the Fall Ridge - Phase 1 PUD development plan; setting forth a condition of approval.

The bill was given second reading by the Clerk.

Mr. Watkins explained this involved the rezoning of approximately 13 acres on the south side of St. Charles Road and the approval of the Fall Ridge development plan. The Planning & Zoning Commission recommended approval of both the proposed rezoning and the PUD development plan contingent upon the applicant's willingness to pay \$10,575 toward future improvements to St. Charles Road, which was in compliance City policy. The PUD would allow for 60 apartment units on the northwest part of the site. A future phase would allow for an additional 18 dwelling units if access could be obtained from the east. He understood two people spoke in opposition with their primary concerns being traffic congestion on St. Charles Road.

Mayor Hindman asked if this was being developed under the present stormwater ordinances. Mr. Watkins replied yes. Mr. Skala noted it had been platted. Mayor Hindman stated he understood and wondered what the differences would be if it were to be developed under the newly adopted stormwater ordinance. Mr. Teddy explained the stream buffer ordinance was in effect now, but this property would still be exempt since it was previously platted. He believed the Phase 1 developed area was not within 100 feet of the stream channel and appeared to comply with the stream buffer. Mayor Hindman asked if Phase 2 would be subject to the new ordinance. Mr. Teddy replied not necessarily since the entire site had been platted. He explained there was a green space trail easement and conservation easement as part of the plat, but there was no stream buffer in place. He pointed out any plats made final prior to the effective date of the ordinance were exempted.

Mr. Janku asked if it would be possible to fund trail construction rather than contributing to future street construction. He understood this had been done previously where there was an equivalency in the cost of the street/sidewalk versus trail construction. He pointed out he was told there was a significant difference between the two costs, so it might not be possible in this situation.

Mayor Hindman opened the public hearing.

Craig Van Matre, 1103 E. Broadway, provided a handout and stated he was present on behalf of the applicant. The property was zoned A-1 and they were asking for PUD-6. They believed the plan made good, efficient and an environmentally friendly use of the real

estate. The applicant wanted to build 60 condominium units in Phase I that would be available for rent or sale with a price of about \$100,000 each. He noted their proposal improved upon the minimums required for green space in this area and that they were asking for approval of the PUD-6 zoning and the plan. The uses they were asking for were permitted by Section 29-10(b). He commented that they did not object to spending the \$10,000 on the hiking path that would run through the back part of the development in lieu of contributing to the road fund. He noted, in the context of grading the site, they could grade the path if they had the City's plans for the path at that point and time. He stated they were willing to work with the City by providing in-kind services or cash toward that purpose.

Tim Crockett, Crockett Engineering Consultants, 2608 N. Stadium Boulevard, explained the proposed plan was consistent with the proposed uses of the zoning district and because the property was platted several years ago, it was exempt from the stream buffer ordinance. He noted the final plat, however, included both green space trail and conservation easements. The majority of the site was encumbered by the easements. He commented that he believed the plan involved efficient use of the land. They were clustering the buildings by the road and shielding the parking lot with the buildings. He pointed out that although they were exempt from the stream buffer ordinance, they were meeting and exceeding it in many cases. He stated they were also exempt from the future stormwater regulations, but would be removing the curbs from the parking lot on the downstream side and grading the site so they could sheet flow water across the parking lot from the buildings to the green space. This would minimize the amount of contact the water had with the parking lot and buildings and would maximize the amount of time the water had in the filtration areas before hitting the creek. He believed this was a water quality feature specified in the new stormwater ordinance. He noted they were also eliminating stormwater structures, such as boxes and additional piping, on the site. Although they might not be meeting all of the regulations of the stormwater ordinance, they were making a good faith effort to do as much as they could. He stated they communicated with a couple neighborhood associations and understood some neighbors were concerned with traffic on St. Charles Road.

Mr. Skala understood there would be some cut and fill and asked if that was true. Mr. Crockett replied there would not be much cut, but there would be some fill where the buildings would be located in order to raise them out of the floodplain elevation. Mr. Skala asked where the dirt would come from. Mr. Crockett replied it would be imported since there was not much on site.

Pat Daugherty, 3413 E. St. Charles Road, stated he was a resident of St. Charles Village, which was across the street from the proposed development. They understood this development would be built, but wanted to call the Council's attention to St. Charles Road, which had been ignored. In 2006, there were over 4,000 cars per day using that road. In addition, the Keene Street construction, which was now underway, would develop the possibilities for additional cars to pollute Keene Street. They had people coming down St. Charles Road in order to get to Keene Street and the people on St. Charles Road were cutting through Keeneland Downs in order to avoid the St. Charles and Keene Street intersection. He noted there were two unbuilt PUD-6 developments, including this one, in this vicinity and two unbuilt PUD-10 developments on the same road between Keene Street and

Richland Road. These developments would cause a lot of additional traffic. He pointed out that whenever there was an accident on I-70, cars were diverted down St. Charles Road causing traffic to be backed up to Richland Road. If there was an emergency of any kind, it would be bad. He noted St. Charles had no shoulders and had been on the CIP for over 10 years. He reiterated they understood there would be development and pointed out they wanted St. Charles Road to be considered. In addition, they believed a signal was needed at Keene Street and St. Charles Road to alleviate some of the problems.

Dorinda Derow, 3421 St. Charles Road, President of the St. Charles Village Homeowners Association, stated she concurred with the comments of Mr. Daugherty and noted the Association was unanimous with two concerns. She explained the traffic on St. Charles was incredibly heavy with more and more development along the entire length of St. Charles and pointed out it was also used as a commuter road. In addition, there was a lot of development on Keene Street, so the intersection of St. Charles and Keene really needed a light, not only during rush hour but throughout the day, due to the type of businesses there. She noted they had creeks on either side of them, which drained across the road into the proposed development, so she was glad stormwater runoff and all of those factors were being considered. She reiterated the two main issues were the traffic on St. Charles given the quality of the street and the lack of a light at the intersection of St. Charles and Keene.

Harold Butler, 3411 St. Charles Road, stated he was across the street from this development and had lived in St. Charles Village for over 25 years. He noted City staff had promised to study St. Charles Road and the intersections since he had moved there. He believed this needed to be a priority and that St. Charles Road should be taken care of before they allowed any more development. He thought it was okay if it added costs to the developer as the developer would pass those costs along to the buyer.

Ann Peters, 3808 Berrywood Drive, stated she was with the Woodridge Homeowners Association and noted they were in opposition to the proposal. She pointed out it was in a floodplain and even though it could be filled, they did not feel that was a wise decision. She commented that the soil they would use for fill would have to be hauled up and down the roads and St. Charles was a very bad road. They were concerned this would backup the creek causing it to come into the neighborhood. In addition, they were concerned with runoff into the creek itself. She understood there were 3-4 properties for sale on St. Charles Road and believed they would likely want to develop that as well. She commented that although this looked like a small development, when added to the other properties on the market, they could end up with a bigger nightmare than they had on St. Charles in their neighborhood. She noted there was no traffic light at Keene and St. Charles or at Keene and the outer road next to I-70. They had a lot of traffic in their neighborhood because people did not want to sit at a stop sign. She asked the Council to turn down the request due to the traffic. She understood the proposed development only had one entrance for a large number of cars onto St. Charles and thought that would cause quite a back up in the morning.

There being no further comment, Mayor Hindman closed the public hearing.

Mr. Wade asked for the average square footage of the 60 units. Mr. Crockett replied he believed the average was about 700-800 square feet per unit. Mr. Wade understood they were pretty small units. Mr. Crockett stated there were one, two and three bedroom units.

Mr. Skala stated he was conflicted on this issue. During his service on the Planning & Zoning Commission, he made some recommendations to Council for PUD's on St. Charles Road. In addition, when he was associated with a group called TARRIF, they discussed St. Charles to Keene Street as being one of priorities in regard to road infrastructure projects, although it was not proposed to be fully funded. He commented that from his reading of the preliminary CIP, the St. Charles improvement from St. Charles at the end of Clark Lane to Keene had disappeared from the priority list. He understood the Ballinger overpass was supposed to connect to Keene, but it was unimproved. He stated this was a huge traffic problem and one took one's life into their own hands when backing out of some of the driveways onto St. Charles Road. He stated he recommended some of the PUD's because they were reasonable and he did not want to deprive someone of the economic right to their property, but cumulatively, as they kept doing these projects, they wound up with a lot of traffic problems. He was not conflicted as a result of how this development was proposed with clustered development away from the watershed. He had a problem with the ability to keep up with infrastructure by incrementally deciding to develop properties in an area that already had a traffic problem.

Ms. Hoppe asked if they had looked at having a light at the intersection of Keene and St. Charles. Mayor Hindman understood they received a letter regarding that issue, but it was not conclusive. Mr. Van Matre explained he had another client, the Columbia Orthopedic Group, who was in the process of building a large office building at Keene and 63. They were proposing and were in the process of forming a Community Improvement District (CID) in order to improve Keene Street. This would fund an electric traffic signal at Keene and St. Charles and at Keene and Business Loop 70. It would allow them to widen the road with a dedicated left turn lane and provide landscaping. They wanted to identify the area as the Keene Medical District, which would involve widening the intersection at St. Charles Road and Keene Street to have turn lanes, particularly at Broadway and Keene Street. A CID required the approval of half by area and half by number of the real estate owners within the district if the proposed district was land where nobody lived who was a registered voter. They were proposing the businesses that depended upon Keene Street fund these improvements through real estate taxes in addition to the real estate taxes already paid. He thought he had half by area in terms of consent, but did not have half by number. In a couple of weeks, they would have a detailed report from the traffic engineers, Crawford, Bunte, Brammeier. He thought the Columbia Orthopedic Group, in all likelihood, would fund a hanging traffic signal across that intersection even if they could not get the CID going. He believed some of the other businesses would support this if he could convince them it would be fair and equitable. He noted he could not make a guarantee, but was encouraged by the number of property owners recognizing the need for this. He believed it was reasonable to assume that a year from now they would be on their way to making the improvements. Mayor Hindman asked when referring to a traffic signal if he meant the one at Keene and St. Charles. Mr. Van Matre replied there would be two traffic signals. One would be at Keene and St. Charles and the other would be at Keene and Business Loop 70. Mayor Hindman noted this was not a done deal at this time.

Mr. Wade stated he supported this with the understanding that this was another example of a project in an area with inadequate roads, which was a concern to him. He believed it was a well designed project and that it would be an attractive project with some good affordable housing. He noted it also illustrated why they were in such a bind with infrastructure. There was the \$25 per foot assessment and the \$0.15 per square foot for the units came to \$325 per \$100,000 unit. He knew of no other comparable community with that kind of bargain. He did not see a problem with the developer paying the full cost of the trail, which was about \$20,000. Mr. Janku understood it was \$70,000. Mr. Wade stated if the developer made a \$20,000 contribution, it would increase the off-site contribution to \$500 per unit or about three-tenths of a percentage of the retail value. He noted they would continue to be in an infrastructure bind until they came up with a different way of assessing impact. Mayor Hindman understood he was talking about the development fee. Mr. Wade replied in this case there were two fees. Mayor Hindman asked when the development fee would go up. Mr. Watkins stated it had already gone up a \$0.05 and would go up by another \$0.10 at the end of this year. Mr. Wade stated even after it went up to the full \$0.50, it would still be lacking. Mayor Hindman asked if Mr. Wade was in favor of the proposal if there was a \$20,000 contribution by the developer. Mr. Wade replied yes and clarified it would be for the trail. Ms. Crayton asked if that cost would shift to the consumer. Mr. Wade replied it would become a part of the cost per unit to the end consumer. Mr. Skala commented that there was a cost to the consumer for staying in traffic as well.

Ms. Hoppe understood one of the speakers mentioned the concern of fill going into the creek as it was being developed and wanted to know what would be done since silt fences were not necessarily working. Mr. Crockett explained with this site being relatively flat, they would not have a lot of water with high velocities coming through the property, so they would be able to contain it. They would also do a lot of sheet flows and not have many point discharges. He noted siltation basins and silt fences typically failed due to a point discharge, which concentrated a lot of water in one location. In this case, they would try to minimize the amount of silt fences. They would do more sediment traps and basins to provide better protection for downstream watersheds. He noted some of the photos shown earlier involved disturbances at the edge of the creek. This development was 100-150 feet away from the creek, so they would not impact the creek in the same manner.

Ms. Hoppe stated she appreciated that they were trying to comply with the new buffer zones and were increasing stormwater controls even though those requirements were not substantially in effect. She understood the Planning & Zoning Commission was concerned with creating situations of very dense development in areas that were most sensitive to density in regard to development near the creek since so much land area was not developable. She thought this was an issue they needed to look at that in the future.

Ms. Nauser thanked the Columbia Orthopedic Group for taking the initiative to create a Community Improvement District. She stated it was nice to see community members taking care of a problem themselves. She noted she was concerned with the thought of increasing extractions. She did not think they should be creating new policy when reviewing this development plan. If they had a problem with the amount of funding for off-site improvements, she believed it needed to be addressed, but not during the discussion for

each PUD plan approval. If \$10,575 was the fair amount according to the formula, she did not understand why they would be extracting anything more. She understood the Council had discretion when approving PUD plans, but did not think they should be asking for more than what the policy allowed. If the formula was incorrect, they needed to follow proper procedures in order to change the policy.

Mr. Janku made the motion to amend B134-07 by changing Section 4 to read “The rezoning of the property described in Section 1 shall be subject to the condition that prior to the issuance of building permits for the proposed development a payment of \$10,575 (\$25 per lineal foot of frontage) toward future improvements to St. Charles Road be paid or that an agreement for an equivalent in-kind contribution or payment toward construction of Hominy Branch trail be agreed to by the City Manager and the developer.” The motion was seconded by Mayor Hindman.

Mr. Skala stated he appreciated the amendment in terms of providing flexibility with the trail rather than the frontage because it seemed a little inadequate at this point. He wondered if they could extend the amount of the trail that could be financed by not paving the trail. Mr. Janku noted his motion did not mention the type of surface. He thought staff would come back with a recommendation regarding whether they felt hard surface or gravel was appropriate.

Mr. Wade stated he supported the amendment and clarified his intention was not to double the amount. He only wanted to use this project as an illustration of how inadequate the fees were.

The motion made by Mr. Janku and seconded by Mayor Hindman was approved unanimously by voice vote.

Mayor Hindman stated he agreed with Ms. Nauser’s comments as they already had an inequity between planned and open zoning. Under open zoning, they could not extract for off-premise improvements. While the trail was an on-premise improvement, it was being correlated as an off-premise improvement and he did not believe they needed to compound the problem.

B134-07, as amended, was given third reading with the vote recorded as follows:
VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING
NO: NO ONE. Bill declared enacted, reading as follows:

B135-07 Amending Chapter 29 of the City Code as it relates to bicycle parking.

The bill was given second reading by the Clerk.

Mr. Watkins stated this was requested by Council and did four things. It changed the minimum number of vehicle parking spaces needed in order to require bicycle parking spaces from 50 to 10. It clarified the credit given toward vehicle spaces for bicycle parking spaces. It changed terms such as “bicycle facilities” and “bicycle spaces” to “bicycle parking facilities and parking spaces.” It also clarified the location of bicycle parking facilities by including employee entrances and by removing ambiguous language. In earlier reports, a cap had been suggested in terms of how many bicycle parking spaces would be needed. This legislation did not include a cap, so one could end up with a large number of bicycle spaces. The Planning & Zoning Commission recommended approval of the proposed revisions.

Mr. Teddy noted parking lots that had 10-50 spaces were required to have four bicycle parking spaces, which was typically accommodated with one structure.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman closed the public hearing.

Mr. Janku stated he felt this was a good first step. He noted an article in the Wall Street Journal indicated businesses were sometimes negatively impacted by unavailable bicycle parking because people parked their bikes in places that obstructed access to those businesses, so adequate bicycle parking could be good for business.

Ms. Hoppe understood this was for future development, not existing development, and encouraged existing development to add bicycle racks accordingly.

Mr. Skala stated he was supportive, but noted they had not come to any conclusions about caps on exceptional applications. Mayor Hindman commented that although he was in favor of more bicycle parking, he thought a cap might be appropriate beyond a certain limit.

B135-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B136-07 Naming and renaming streets in conjunction with the Southampton Drive street construction project.

The bill was given second reading by the Clerk.

Mr. Watkins stated this request was made in conjunction with the on-going construction of Southampton Drive, which included a north/south and east/west section. The Planning & Zoning Commission recommended officially naming the new eastward extension of Southampton Drive, from its present terminus to the proposed round-a-bout, Southampton Drive and renaming the Nifong Connector and officially naming the new north/south portion of the street State Farm Parkway. The Commission also recommended approaching State Farm with an adopt-a-spot. He understood they were amenable to working with the City in that regard.

Mayor Hindman understood Nifong was on the west side of Providence and continued on the east side of Providence. Mr. Teddy clarified that at the present Nifong Connector, there was East Nifong Boulevard. It was Nifong from west of Forum, where it was known as Vawter School Road to Providence and then transitioned to Grindstone Parkway. Nifong Boulevard was east of the Nifong Connector also. The Nifong Connector signified the transition. Mayor Hindman understood the old Nifong was still Nifong and the new one was Grindstone Parkway. Mr. Teddy noted there was no suggestion of changing Nifong Boulevard anywhere it was currently. Mayor Hindman thought they would have Nifong, a gap with State Farm, and then Nifong again. Mr. Teddy clarified it would be State Farm Parkway from Grindstone Parkway all of the way to the round-a-bout. The name of Nifong Connector would be eliminated, but there would be no change to Nifong Boulevard, which was an east/west route. Mr. Glascock pointed out it was Nifong from State Route 163/Providence to Green Meadows. He explained the part shown as East Nifong between the Nifong Connector and State Route AC had been vacated. East Nifong was then east of what would be State Farm Parkway. He noted the name changed regardless and it was a matter of

whether the Council wanted to leave it as Nifong Connector or change it to State Farm Parkway. Mayor Hindman commented that the map showed what he had always thought of as Nifong as State Route AC. Mr. Glascock replied that was still Nifong.

Mayor Hindman opened the public hearing.

Tammy Wolff, a facilities supervisor for State Farm Insurance, 4700 South Providence Road, stated State Farm was supportive of renaming the new north/south portion of Southampton to State Farm Parkway. They felt it was an honor to the employees and agents to have a City street linked to their business. She noted State Farm had made significant contributions to the portions of the road that led to their Providence office. Several years ago, they invested approximately 30 percent of the funds required for the intersection of Providence and Southampton. They also donated a portion of the road for Southampton, east of Providence. She commented that they were appreciative of Council's consideration and would be pleased to have the opportunity to participate in the adopt-a-spot for the round-a-bout on Southampton.

There being no further comment, Mayor Hindman closed the public hearing.

Mr. Wade stated he disagreed with the recommendation of the Planning & Zoning Commission. He felt it was inappropriate to name that road State Farm Parkway because, when extended, it would connect with 163 and become the major entrance from Columbia to Rock Bridge Park. He thought the name needed to be Rock Bridge Parkway. He was also concerned with naming streets after one business. He thought they would miss an opportunity to highlight one of the special features of Columbia, Rock Bridge Park, by not naming the street after it. It would be the major entrance when the street was completed. He noted he felt the street should also be designed as a real parkway.

Mr. Wade made the motion to amend B136-07 by changing State Farm Parkway to Rock Bridge Parkway. The motion was seconded by Mr. Skala.

Ms. Hoppe wondered how long it would be before the road was extended. She was concerned with people traveling on it and not getting to Rock Bridge State Park. Since the name included "Parkway", she thought it would allude to the Park when the road was extended. She thought it might confuse people since it did not currently extend to the Park. Mr. Wade commented that it would only confuse people until they went to the end and had to turn right. He noted if they did not do it now, they would miss their chance because they would likely not go back and change the name when it was the major entrance from Columbia to the Park.

Mayor Hindman stated he believed both parties made good points and noted he planned to support the staff recommendation.

Mr. Skala stated he had become convinced by Mr. Wade's comments. Although he was appreciative of the work State Farm had done for the City, the thought of naming things after a particular organization bothered him. He agreed this was an opportunity to connect with an amenity and jewel in the City and that it would be an opportunity lost, if they did not try to do that.

The motion, made by Mr. Wade and seconded by Mr. Skala, to amend B136-07 by changing State Farm Parkway to Rock Bridge Parkway was defeated by voice vote with only Mr. Skala and Mr. Wade voting yes.

Ms. Hoppe made the motion to amend B136-07 by changing State Farm Parkway to State Farm Rock Bridge Parkway.

Mr. Janku asked if there was another road within the City named Rock Bridge. Mr. Teddy replied he believed the Rock Bridge name, if not a duplicate, was similar to something else. He did not bring his street list so he could not review that. Mr. Wade stated there was not a Rock Bridge in the City, but was not sure if there was one in the County.

Ms. Hoppe's motion died for a lack of a second.

B136-07 was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, NAUSER. VOTING NO: WADE. Bill declared enacted, reading as follows:

R109-07 Authorizing an amendment to the FY 2007 Action Plan.

The resolution was read by the Clerk.

Mr. Watkins stated this proposed amendment to the Action Plan would do three things. It would budget additional funding that was not previously anticipated, reallocate some CDBG money to ensure timely expenditure of funds and acknowledge the decision by the Boone County Basic Needs Coalition (BCBNC) to join the Balance of State Continuum of Care for funding to house the homeless. The BCBNC would be with the State's Plan rather than the City's Plan and would potentially be able to obtain more funding from the State's balance than the City's allocation.

Mr. Teddy noted this was a public hearing and that comments would be accepted by the Planning & Development Department until May 27, 2007.

Mr. Janku assumed there was a waiting list for the housing rehabilitation program and asked if they were confident they could spend the \$200,000 that was being reallocated. Mr. Teddy replied the housing rehabilitation money would be typically spent on housing inspections, lead paint hazards, training and rehabilitation projects. He noted they did have a waiting list and were currently working on eight rehabilitation projects, which were averaging \$20,000-\$30,000 each. Another 13 applications had also been received, so they were confident the funds could be spent this year.

Mr. Janku asked how the Worley Street money would be replaced. Mr. Teddy replied it would have to be replaced by an amendment in a future year. He noted there was still \$100,000 in it for design and easement acquisition. Mr. Watkins noted they could get started, but might not finish in time. Mr. Janku understood they would have to find money for the additional amount some other time. Mr. Watkins stated it could be pushed off until next year or taken from the City's sidewalk funds. He noted this was on the Sidewalk Plan. It was only a matter of moving the funding sources.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman closed the public hearing.

Ms. Crayton stated she felt some of the neighborhoods were regressing because dilapidated and vacant houses were coming back. She noted it was the same people over and over again. They just moved around. She commented that a house at Worley and Garth was supposedly purchased by an agency, but the weeds were almost waist high. She wondered what the inspectors were inspecting. She stated these types of homes continued

to show up over and over again. She also noted the same groups were on the list to receive funding. She disagreed with some of the same people receiving these funds if they were not doing what they were supposed to be doing. She noted the back door was kicked open at a new home at Oak and Lincoln. She felt someone should have been ready to move in when that house was completed. The house at Oak and Worley, which was built by YouthBuild, was still sitting empty. She felt this was a waste of taxpayer money. She believed the agencies receiving funding needed to be held accountable to do what they stated they would do. She commented that there should be people transitioning from public housing to homeownership. She understood the City could not do everything, but noted the agencies receiving funding were not hitting the neighborhood.

Mayor Hindman asked about the timeframe and if they needed to approve this tonight. Mr. Teddy replied any activity that might be affected by this would be on hold. If they let it go too long, they would lose an opportunity to shift some of the housing projects into CDBG, which was a strategy to get a leg up on the spend down issue. He noted they typically had to do budget transfers between the CDBG and HOME programs to meet the targets since some of the projects were multi-year projects. He did not think there was any immediate impact if it was held over one meeting, but preferred it not be delayed for too long.

Mr. Janku understood this largely reflected the CDBG funding cycle from last year's budget. He asked if the Community Development Commission had held a public hearing in regard to this year's new cycle. Mr. Teddy replied the application deadline had just passed. He thought they would be reviewing agency applications in June. He noted that if there were concerns about past performance, this would provide an opportunity to examine that issue. Mr. Janku understood as part of the process, the City Manager evaluated the Commission's recommendations and then forwarded his recommendations to Council for a final decision. He wondered if Ms. Crayton could work with the City Manager to develop evaluations and recommendations that reflected her concerns. Ms. Crayton stated she believed there needed to be benchmarks. They should not be seeing the same thing year after year if they were moving backwards rather than forward. She noted people were living in homes that were passing inspections, but should not be passing inspections. In addition, she wondered who was monitoring the homeless. She commented that the Salvation Army and the St. Francis House were crowded and they needed a place to send the homeless. She believed they needed to determine if they were making a dent or not before providing funding to the same organizations.

Mr. Janku understood, as part of the budget process, they reallocated previous years' allocations that had not been spent. Mr. Watkins replied that was correct. Mr. Janku suggested they move forward with the HOME rehabilitation projects because this was the time of year to start those projects. He also suggested Ms. Crayton make a motion at the end of the meeting asking staff to begin evaluating the other projects. Ms. Crayton stated she wanted to ensure her comments were not pushed aside as she felt that had been done in the past. She wanted a letter in the file showing her disagreement. Mayor Hindman asked if she disagreed with how the money was being spent. Ms. Crayton replied she disagreed with the groups receiving funds but doing nothing with those funds. Mayor Hindman understood Ms. Crayton felt some of the agencies named to receive funding had underperformed or not

performed. He also understood Ms. Crayton was concerned that if they voted on what was being offered to them, they would be authorizing the expenditure of money to groups who should not receive it. Ms. Crayton clarified she felt that she would not be doing what her constituents were asking if she continued to vote for something that was not working on their behalf. Mayor Hindman asked what changes Ms. Crayton would recommend. Ms. Crayton replied she thought this item needed to be delayed for a couple of weeks. Mayor Hindman explained the Council could only approve, disapprove or recommend changes, so he was trying to understand what she wanted so they could move forward.

Mr. Janku understood this was an advertised public hearing. Mr. Teddy replied yes. Mr. Janku asked how long in advance they had to advertise. Mr. Teddy replied he thought it was fifteen days. Mr. Janku stated he wanted to determine where in the cycle they could effectively act. If they were going to take money away from an agency, he assumed they would have to be notified and a public hearing would need to be advertised and held. This would take longer than two weeks and they would likely be making a decision regarding housing rehabilitations in late summer. He did not think this should be delayed. He suggested they immediately start working with the City Manager in order to evaluate the programs Ms. Crayton had concerns about. They could then bring forward new recommendations for budget reductions or ensure they not receive funding in a future budget. He thought they should allow the good projects to move forward. Ms. Crayton agreed the good projects should move forward, but the others should be re-evaluated.

Mr. Skala stated he agreed with Mr. Janku and Ms. Crayton. If there were projects that were unworthy, they needed to work with the City Manager to establish benchmarks. He noted, however, that they were up against a time constraint to get the projects that were doing good work funded. He thought they should proceed and ask the City Manager to look into establishing some benchmarks to determine if the programs were worthy of the funding suggested. Ms. Crayton stated she had no problem with proceeding, but did not want to see this again next year. Mr. Janku asked if their statement to HUD could include the fact they would be doing an evaluation to monitor the effectiveness of these programs. Mr. Teddy replied they could include as a planning activity an evaluation of the performance of programs and agencies. He stated they could try to quantify everything a bit more. Ms. Crayton explained she wanted to know if they were making a positive impact rather than being stagnant. She felt there were enough programs to make a difference and thought they should be seeing that. Ms. Hoppe asked if the evaluation suggestion addressed Ms. Crayton's comments. Ms. Crayton replied yes because it would show some objections were made.

Mr. Wade understood they had two options. They could, in the passing of this, make a requirement for some kind of assessment or, during Council comments, they could request an evaluation plan to address the issues raised so those were in place before they got into the next cycle of funding. He asked if they could proceed now and make a motion at the end of the meeting under Council comments. Ms. Crayton replied yes. Mayor Hindman understood they would vote on this item and a request for a report would be made at the end of the meeting.

The vote on R109-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

OLD BUSINESS

R32-07 Approving the Preliminary Plat of The Overlook located along both sides of West Broadway, extended; setting forth conditions of approval.

The resolution was read by the Clerk.

Mayor Hindman noted a request to table this item to the June 4, 2007 Council meeting had been received.

Mayor Hindman made the motion R32-07 be tabled to the June 4, 2007 Council meeting. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

B149-07 Authorizing the issuance and sale of approximately \$3,775,000 principal amount of Special Obligation Notes (Regional Park Acquisition Project), Series 2007A.

The bill was given second reading by the Clerk.

Mr. Watkins explained that when the proposal to purchase the Crane property was brought to the Council, the financing plan included a cash balance in the parks sales tax account and the need to borrow money to cover the balance. Instead of going out for a large sale of notes, they decided to keep the money locally. They came up with an approach where five banks took part in the proposal at a rate of 4.23 percent. The term of the notes was four years. Since they did not need the money until closing in September, they would invest the funds in the meantime.

Ms. Fleming noted the four year notes would mature at the end of the latest extension of the park sales tax and the park sales tax would be used for repayment.

Mr. Watkins pointed out they had a capitol portion and permanent portion of park sales tax. A good part of the permanent portion of the parks sales tax was expected to go toward land acquisition. All of the projects promised to the voters with the capitol portion of the sales tax would still be accomplished. They were not proposing to touch any of the money for those projects.

Ms. Crayton made the motion to amend B149-07 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B149-07, as amended, was given third reading with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B150-07 Amending Chapters 4, 13 and 28 of the City Code relating to licenses and permits.

The bill was given second reading by the Clerk.

Mr. Watkins stated this had to do with the qualifications of applicants for a number of City licenses such as business licenses, liquor licenses, taxi drivers, etc. The ordinance stated their criminal history would be considered and that a criminal record check from the Missouri State Highway Patrol was required at a cost of \$10.00. He noted it could take two months to receive that report. There were private services that could do it much quicker, so

at the option of the applicant, this would allow the City to use a private service if they reimbursed the cost. He pointed out there was also an amendment sheet.

Mr. Boeckmann explained that in addition to the amendment sheet that went out with the packet, he noticed Section 28-115 needed to be changed because it referred to the report of the Chief of Police, which was being replaced with a criminal record check. In addition, there was a minor change to 28-114 in that the Chief of Police would no longer be making a recommendation.

Ms. Nauser made the motion that she be allowed to abstain from voting on B150-07. She noted on the Disclosure of Interest form that her husband applied for a business license and background check for a liquor license. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Skala made the motion to amend B150-07 per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B150-07, as amended, was given third reading with the vote recorded as follows:
VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE. ABSTAINING:
NAUSER. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

The following bills were given second reading and the resolutions were read by the Clerk.

B137-07 Vacating a utility easement located on Lot 1 within Grindstone Plaza Subdivision; accepting a conveyance for sewer purposes.

B138-07 Vacating utility and drainage easements located within Winchester Subdivision - Plat 1.

B139-07 Calling for bids for construction of the Lenoir Street Relocation Project, Phase I of the Gans Road Interchange Project.

B140-07 Authorizing Change Order No. 1 with Brenneke Construction, LLC for the Rock Quarry Road culvert replacement project; approving the Engineer's Final Report.

B141-07 Authorizing Change Order No. 1 with Emery Sapp & Sons, Inc. for construction of the Aztec Boulevard - State Route PP safety project; approving the Engineer's Final Report.

B142-07 Confirming the contract with Garney Companies, Inc. for construction of a 36-inch well field supply main from the McBaine Water Treatment Plant to Star School Road.

B143-07 Accepting conveyances for utility purposes.

B144-07 Authorizing an agreement with The Harold E. Johnson Companies, Inc. for the lease of office space at 310 East Walnut; appropriating funds.

B145-07 Appropriating funds for the Flat Branch Park Phase II Development Project.

B146-07 Accepting a donation from the Wal-Mart Foundation for the purchase of digital cameras and equipment for the Police Department; appropriating funds.

- B147-07 Authorizing an agreement with the Missouri Highways and Transportation Commission for the Blueprint for Safer Roadways Program; appropriating funds.**
- B148-07 Appropriating funds for FY 2007 Boone County public health nuisance abatement activities.**
- R103-07 Setting a public hearing: voluntary annexation of property located between Bethel Church Road and State Route K, south of Old Plank Road.**
- R104-07 Setting a public hearing: acquisition of land adjacent to the Columbia Regional Airport for future expansion and development.**
- R105-07 Authorizing a Community Housing Development Organization (CHDO) agreement with Job Point for HOME funding.**
- R106-07 Transferring funds for the production of an instructional video illustrating the hazards of tobacco products.**

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

- R107-07 Authorizing a parking lease agreement with Walnut Market, LLC for property located on the south side of Walnut Street between Tenth Street and Short Street.**

The resolution was read by the Clerk.

Mr. Watkins stated this would authorize a long term lease of surface parking spaces. It would also allow a developer to free up parking spaces on a lot across the street and allow for some redevelopment. The lease was for more than the amount they were getting from the meters on the lot, so they were guaranteeing eight spaces. He noted this was done on a regular basis in parking garages, however, this was only the second time they had done a long term lease for actual surface parking spaces. They saw it as a way to assist in redevelopment on that end of downtown.

Mr. Skala asked how the number of spaces involved compared to the total number of spaces available. Mr. Boeckmann replied there were 14 other two hour metered spaces and one handicapped space in that lot.

Ms. Hoppe understood the lease was for ten years and stated that seemed to be a long period of time to commit to without knowing the needs for the future. Mr. Watkins explained he thought it matched the term of the lease they were proposing to be involved with. He noted the rate could rise as they saw the need and raised all of the parking rates. They were not committing to a rate per space for ten years. They were only committing to allow them to have those spaces for ten years.

John Ott, 212 Bingham Road, stated in response to parking in the future, he hoped that area of downtown would eventually have a parking garage so surface parking would be a non-issue. With Raney Wood in Stephens College and the growth of the Art District, he anticipated the area would have greater parking needs. He noted this would allow this development to move forward now.

The vote on R107-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. ABSENT: CRAYTON. (Ms. Crayton stepped out during the discussion for R107-07 and did not return until after the official vote was taken.) Resolution declared adopted, reading as follows:

R108-07 Authorizing a revised Community Housing Development Organization (CHDO) agreement with Covenant Community Development Corporation for HOME funding.

The resolution was read by the Clerk.

Mr. Watkins explained this authorized the City Manager to execute a revised HOME agreement with Covenant Community Development Corporation. He noted they had revised their site plan to eliminate one of the seven residential units in the proposed development at Sexton and Garth and pointed out they would be accessible by a lift.

Mr. Teddy commented that by reducing the number of planned dwelling units from seven to six, the overall HOME subsidy would be increased to \$19,823. This was an increase from \$16,991. He noted there was \$75,000 in 2004 CHDO money through a separate agreement which was based on fewer than six units, so they did not have to revisit that agreement.

Mr. Janku understood the two that were being eliminated were from the commercial building on the west end. Mr. Teddy replied that was correct. Using the overhead, he explained the reorganization of the site involved shifting the commercial building to the west. It would have the same setback and would still have a concrete service walk providing access from the Sexton sidewalk. They moved the loading area further away from the mixed-use building. He noted the mixed-use building would be longer as they would be adding one small commercial space at street level and one additional three bedroom/two bath apartment unit upstairs. Mr. Janku asked if the space from the two apartments that were being removed on the west end was going to be used as additional commercial or if the commercial portion was staying the same size as originally planned. Mr. Teddy replied the size of the commercial space in the grocery store building was not any longer. Mr. Janku understood they were providing access to the second floor apartments. Mr. Teddy replied they were proposing a limited use, limited application elevator, which would provide accessibility.

The vote on R108-07 was recorded as follows: VOTING YES: HOPPE, HINDMAN, CRAYTON, JANKU, SKALA, WADE, NAUSER. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

B151-07 Rezoning property located on the southeast corner of East Ash Street and Orr Street from M-1 to C-2.

B152-07 Rezoning property located on the south side of I-70 Drive Southwest (3712 I-70 Drive Southwest) from A-1 to R-1.

- B153-07 Approving the Final Plat of Vistas at Old Hawthorne Plat 1A, a Replat of The Vistas at Old Hawthorne Plat 1, located north of State Route WW and east of South Cedar Grove Boulevard.
- B154-07 Approving the Final Plat of Woodrail Plat 15, a Replat of Lot 15 of Woodrail - Plat No. 3, located south of Woodrail Avenue on Woodrail Terrace.
- B155-07 Vacating a portion of a sewer easement located approximately 150 feet south of the intersection of West Boulevard and Rollins Road (806 West Boulevard).
- B156-07 Authorizing the acquisition of land adjacent to the Columbia Regional Airport for future expansion and development; appropriating funds.
- B157-07 Authorizing an agreement with Peckham & Wright Architects, Inc. for architectural services relating to construction of Fire Station No. 9; appropriating funds.
- B158-07 Confirming the contract with Lehman Construction LLC for rehabilitation of the general aviation apron and Taxiway A4 at the Columbia Regional Airport; appropriating funds.
- B159-07 Allowing a building permit to be issued to Woodland Hills Properties, LLC for structures in utility easements located within Copperstone Subdivision; approving a waiver of claim and indemnity agreement; authorizing a right of use permit to allow the construction of two decorative rock columns and a building structure in an island within the Stone Grove Court right-of-way.
- B160-07 Allowing a building permit to be issued to Premier Bank for construction and installation of two private block retaining walls with landscaping in utility and drainage easements located on Lot 3A of the Replat of Lot 3 of Rockbridge Subdivision Block 5; approving a waiver of claim and indemnity agreement.
- B161-07 Appropriating funds for a solid waste cost-of-service study.
- B162-07 Appropriating funds for the Hillshire Court drainage project.
- B163-07 Authorizing a water service termination cooperative agreement with the Boone County Regional Sewer District.
- B164-07 Accepting conveyances for utility purposes.
- B165-07 Appropriating funds for the Share the Light Program.
- B166-07 Authorizing Amendment No. 1 to the agreement with the Missouri Department of Health and Senior Services for the WIC Supplemental Food Program; appropriating funds.
- B167-07 Appropriating funds for the Medical Reserve Corps program.

REPORTS AND PETITIONS

(A) Intra-departmental Transfer of Funds.

Ms. Hoppe asked for explanation in regard to the \$400,000 transfer from CIP-Residential Expansion to CIP-Commercial Expansion. Mr. Watkins explained the Water & Light Department was in the process of breaking out more of their capital improvement projects as they would see in this year's CIP because they were trying to show where the projects were. Currently they were broken into large pots because that was how it was done on the ballot issue and as they were running out of money in one pot, they needed to transfer it into another. Mr. Dasho stated they wanted to be more specific about the projects they had

under general blanket items. Ms. Hoppe understood there was no change in projects. Mr. Dasho replied that was correct.

Report accepted.

(B) PedNet Bicycle Rack Demonstration.

Mr. Watkins explained that during Bike, Walk and Wheel Week, May 12-19, a number of bike racks would be displayed in front of City Hall in order to obtain public input in terms of what was liked. Afterwards, they would be moving them to various other areas of downtown to get more input. He noted this was an informational report, but asked that if they received any input to pass it on to staff.

Mayor Hindman stated he was extremely pleased to see the rack in front of City Hall.

(C) Home Performance with Energy Star and Energy Star Home Program.

Mr. Watkins stated this was an informational report in regard to how they could improve energy conservation, particularly in existing homes.

Mr. Dasho explained they had been working with the Department of Natural Resources (DNR) in trying to bring the Energy Star Home Program to Columbia in order to encourage homeowners to use the most current energy efficient techniques in home construction. They could not only receive tax credits, but also additional grants and money through DNR and Water & Light. He noted they wanted to get contractors involved because they could do a great job in regard to energy efficiency when building a home. He commented that this program was being done on a State-wide basis and that Columbia was happy to be involved.

Mayor Hindman asked if this would be available to a private homeowner or landlord. Mr. Dasho replied they intended it to be for both new home construction and existing homes when doing updates. They would have more specific programs for landlord/tenant type housing.

Mr. Watkins noted they were also looking at adopting these standards for the HUD funded housing rehabilitation programs.

Mr. Skala understood the Environment & Energy Commission (EEC) was interested in both the Energy Star program and LEED and asked if there had been communication with the EEC in terms of what staff was doing. Mr. Dasho replied they had shared the general concept of this with them over the past year and would also be sharing this report with them.

(D) Constructing New Off-Street Parking Garage North of Broadway.

Mr. Watkins noted about five years ago, they completed a Master Parking Plan for downtown. It was determined at that time, the next parking structure needed to address needs north of Broadway. The original proposal was to look at adding another level onto the Plaza behind City Hall. The Public Works Department hired a consultant last year who indicated that while it was feasible to do it, the earthquake codes had changed significantly since the structure was built, so the cost of building the additional level was prohibitive. They could get more for their money by looking at another garage. The next logical place called for in the Plan was on the lot across from the Post Office. Staff was proposing to start the

planning process and come back to Council with a specific proposal in terms of building the garage. They believed it was needed because as they moved employees back to City Hall, they would need to find parking opportunities for them. He noted it was their intent to build retail or office on the ground level, particularly along Walnut Street. In addition, due to the slope of the property, they could potentially build a garage under part of it for police vehicles. He believed this was time sensitive because they needed to get it done with the completion of the Daniel Boone Building.

Mr. Skala asked, in terms of the new City building, if the parking garage was not to be altered at all. Mr. Watkins replied the Plaza, in terms of number of parking spaces, would stay the same. Mr. Janku understood at one point, there was an idea for an overhead connector. Mr. Watkins stated they had not ruled that out, but noted it would affect the available space on the floor in the building because it was another entryway and would require another receptionist. At this time, they were leaning against doing that.

Mr. Janku understood this was paid for by user fees. Mr. Watkins stated that was correct.

Mr. Janku asked if it would be extended to Broadway. Mr. Watkins replied he inquired as to whether Commerce Bank had an interest in retaining that property or doing something in conjunction with them. Since they merged with Boone Savings, they had taken over that building as an office building and still had a large customer base with the drive-thru. He noted they could not see a good way to make the drive-thru work with the garage. In addition, they did not want to lose that building for 1-2 years due to construction. Mr. Janku thought it was possible to work with them so they could be the street frontage on Broadway because if the City extended it that far, they would want commercial/retail on Broadway. Mr. Watkins stated that was what they had proposed. He did not see it happening based on their few discussions. He noted they would also have to acquire the Credit Union, which had the same drive-thru and relocation issues. In addition, there was a bar/restaurant on the corner.

Mayor Hindman stated one of the things that appealed to him was the installation of cameras in the garages. He pointed out his wife did not like to use garages, which he thought was typical of women, and believed they needed to do what they could in the design to make them safe and to provide the feeling of safety. He thought that meant keeping them clean and well lighted, installing cameras and having windows on all the stairways so everyone could be seen. He noted the installation of cameras in the new and present garages was a good idea.

Mr. Wade made the motion to direct staff to proceed with investigating the proposed project to include looking at Fifth Street in terms of retail space potential as well. The motion was seconded by Ms. Hoppe.

Ms. Hoppe stated she liked the retail/commercial space on the bottom. It was a good double use of infill and made it safer by having activity there rather than vacant parking.

The motion made by Mr. Wade and seconded by Ms. Hoppe was approved unanimously by voice vote.

(E) Review of Historic Preservation Commission functions and duties.

Mr. Watkins stated this report was submitted by the Historic Preservation Commission. They were requesting authorization or direction from Council in order to look at some of their duties. They believed there were potentially some things they could be doing that the current ordinance did not direct or allow them to do. Those items were enumerated in the report.

Mr. Wade stated he was impressed a Commission was paying attention to its purpose and thought it was an impressive report.

Mr. Wade made the motion to authorize the Historic Preservation Commission to review their powers and duties and to prepare appropriate amendments for consideration by the Planning & Zoning Commission. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(F) 1109, 1110 and 1112 Locust Street – Alternatives to C-2 Central Business District Zoning.

Mr. Watkins explained a proposal to rezone these three lots from R-3 to C-2 was denied. The applicant was now suggesting a C-P plan. In addition, staff had suggestions on what could be done in the interim.

Mr. Teddy stated he was suggesting the Council consider an interim development ordinance. It would have a sunset date, which typically ran for one year, and would provide regulations that anticipated the completion of a plan or the next stage of a planning process. A recent example was the moratorium on surface parking lots, which anticipated looking at how the zoning regulations dealt with surface parking in the central business district. He noted this issue in regard to how to approach implementation of the Campus/Downtown Opportunity Study by Sasaki was a bigger and more multi-faceted planning problem. One suggestion was to look at C-P as an option that would be considered in areas within the study area that were not currently zoned C-2 to the extent it did not frustrate the objectives of the plan. He understood Sasaki made the recommendation that a permanent overlay be considered as one of the implementation steps, but noted that would require some further work and study.

Mayor Hindman asked about the timing and the effect this had on the applicant. He wondered if the applicant had to wait until staff developed the interim ordinance. Mr. Teddy stated he thought they could look at the two things concurrently if the applicant was interested in pursuing C-P zoning. Per the letter received, he understood the owner was interested in 1109 Locust, but not the other two properties on the south side of the street at this time. Therefore, they would probably be evaluating one 50-foot wide lot for C-P zoning with the terms and conditions outlined in the letter.

Ms. Hoppe asked for the estimated time this would take. Mr. Teddy replied about three months.

Mr. Skala thought this was attractive for a number of reasons to include the City having some control over the C-P plan, but noted his understanding was that the Sasaki Study was a report, not a plan. He asked if the interim development ordinance was contingent upon a set plan or if it was flexible. Mr. Teddy replied he thought they would use the study as a reference. For instance, if there was a concern that C-2 zoning was premature in those areas not yet zoned C-2, they would look at the components of the plan that would

make it so. He commented that Locust Street was relatively narrow with a narrower right-of-way and in order to support the type of redevelopment proposed by Sasaki, they would need to make accommodations for wider sidewalks. Mr. Skala understood a plan did not need to be adopted. It would just be used as a guideline to evaluate the C-P plan. Mr. Teddy replied that was correct and added that they would bring back an interim development ordinance that would make reference to that Study and maybe incorporate it as an exhibit.

Mr. Janku understood that would go to the Planning & Zoning Commission to be developed and asked if at the same time, but separately, the application for Locust Street would be coming forward. Mr. Teddy replied that was the owner's choice. Mr. Janku noted that could be approved by the Council, even if the City's development ordinance did not move forward or was not adopted. Mr. Teddy agreed and pointed out the document might be as simple as some of the policy resolutions they had in that any request would be C-P during the term of the interim ordinance and the standards to be used would rely heavily on the Study.

Mr. Wade made the motion for the Planning & Zoning Commission to prepare an interim development ordinance for Council consideration. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(G) Salute to Veterans Parade Parachute Jump.

Mr. Watkins explained this was an annual event which required Council approval.

Mayor Hindman made the motion to allow the parachute jump onto Broadway. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(H) Fraternity and Sorority Housing Corporation Sprinkler Issue.

Mr. Watkins stated this report was prepared at the request of Ms. Hoppe in regard to meetings with fraternity and sorority leaders relating to fire sprinklers.

Ms. Hoppe commented that she recalled there being some unresolved questions and understood the Fire Department would get together with the fraternity and sorority boards to try to further explain the situation and to possibly come to a compromise. It did not appear that had been done. Mr. Janku understood there had been a meeting since then. Mayor Hindman agreed and noted discussion regarding the two kinds of sprinkler systems. Ms. Hoppe explained she thought the meeting he was referring to was the one she, Mr. Loveless and Ms. Crayton had attended. Battalion Chief Sapp noted the last meeting they had with fraternity and sorority members occurred in February and was the meeting Ms. Hoppe, Mr. Loveless and Ms. Crayton attended.

Mayor Hindman asked what issues remained to be negotiated. Battalion Chief Sapp understood there were three issues. One issue was the timeframe. They had six years from the time the ordinance was adopted to the time the sprinkler systems had to be installed in the fraternities and sororities. Another issue was the type of system as there were two types known as NFPA 13 and NFPA 13R. The "R" designation was primarily used in spaces with residential living areas. The Housing Corporation asked them to make a decision on which was preferable as they preferred the 13R system since it provided some cost savings because certain areas might not require the placement of a sprinkler head. He noted that when the ordinance was written, it was written to adhere to the 2006 International Fire Code

that referenced back to the NFPA standards. It was really an engineering decision they felt could not be made by staff. It needed to be done by a design professional. In conversations with several design professionals, they indicated many of these might be eligible for a combination type system where a 13R might be used in the residential areas and the 13 would be required in the assembly areas. He reiterated this needed to be determined during engineering and design. It could not be done in-house.

Mr. Wade asked what the Council's responsibility was now and if they would be receiving a recommendation from the Building Construction Codes Commission. Mr. Janku pointed out they already made a recommendation, which Council adopted. Mayor Hindman agreed and noted the report was requested due to some unhappiness from the fraternities and sororities.

Ms. Hoppe explained the intent associated with the report was for an additional meeting to be held for further discussion and clarification, which she understood did not occur. She noted she had received a variety of e-mails today, but had not had time to fully review them. She also understood there were people representing the fraternity and sorority boards who would be commenting. She read some of the comments received and asked for a response.

Mayor Hindman suggested allowing the people who were there to speak on this issue to be able to go ahead and speak rather than waiting until the Comments Section of the agenda since that was immediately after Reports. The Council agreed.

Janna Basler, 407 Silver Thorne Drive, stated she was the Assistant Director of Student Life at the University of Missouri and passed out her response to Battalion Chief Sapp's memo dated March 21, 2007. She stated there were a couple of discrepancies in Chief Sapp's report that she received from the Vice-Chancellor Thursday afternoon. She noted it was difficult obtaining feedback on short notice since many of the Housing Corporation members did not reside in Columbia and pointed out many relevant issues had not been looked at. She also noted that Ms. Hoppe was correct. They also understood from the February meeting that there would be some other things addressed in addition to the things outlined in Battalion Chief Sapp's report. They wanted to make sure Council understood there were some things missing or things the Housing Corporation members wanted to see addressed.

Paula Bullock, 1404 Jake Lane, President-elect of the Alpha Phi House Corporation Board, stated she was concerned with the process. She explained they were a volunteer board and were not involved in the process. According to the reports, there were several subcommittee meetings held. She felt it would have been nice to have had input and to work in a coordinated effort. She did not believe anyone disagreed with the merit of the sprinkler system, but noted they had constraints in regard to the time frame. She stated there were 27 institutions on campus without sprinklers and her particular house could only do renovations two months out of the year. She understood the time frame was initially ten years and thought they could have worked with that. It was then reduced to six years. They really could not do anything this year, so they were left with five years to get something implemented. She pointed out donations to Alpha Phi were not tax deductible because it was not an educational institution, so they were dependant on gifts. She noted the estimate to do

their house was \$160,000. The cost was \$8.84 per square foot instead of \$3 per square foot. They would have to take out a loan, if they were not able to get the donations. She noted they were willing go there, but needed more time to get the money together. She commented that the houses would be using the same vendors, which would add to the time constraint.

Robert Cunningham, 2504 Waterside Drive, stated he was an architect who specialized in the design of fraternity and sorority houses and explained he thought there was a discrepancy in Battalion Chief Sapp's report in which he indicated an A-3 occupancy required a Type 13 sprinkler system. The Code actually stated for new A-3 occupancy construction, a sprinkler was required when there was more than 4,500 square feet, and for an existing A-3 occupancy, a sprinkler was required when there was 15,000 square feet or more. The requirement for a sprinkler in the A-3 occupancy parts of the house were strictly from the new ordinance of the City and it was his opinion that the City should be able to dictate the type of sprinkler required. He noted there was a vast difference in cost, the requirements and the damage done to a historical structure. A Type 13 system would require one to sprinkle spaces such as an attic and the space between the ceiling and the floor, so they would have to tear the building up. He believed it was unreasonable to require that of these old buildings. In addition, the Type 13 system required a much larger water service, backflow preventer and a vault. He noted the cost of putting the backflow preventer in the vault alone was \$15,000. He believed it was reasonable to ask that the requirement of this ordinance be limited to a 13R fire sprinkler. He commented that the ordinance also lumped men's and women's housing together and based on his research a sorority house was one of the safest places a student could live. Statistically, they were safer than dorms, apartments and single-family housing. He thought that also needed to be considered. He stated they were also requesting clarification in regard to projects already completed with 13R sprinklers. He asked if they would be required to re-evaluate those buildings and upgrade those fire sprinklers based on today's Codes.

Ms. Hoppe asked for an explanation of the differences between the 13R and the 13 in terms of damage to the historic buildings. Mr. Cunningham explained a 13 sprinkler system was originally conceived for buildings four stories or higher because a ladder truck would not reach the windows. It was designed to keep the building from collapsing. It would require fire sprinklers in the attic, in the floor space below the floor and above the ceiling, between the structural elements, in the structural space between the roof and ceiling of the porch and in the void space of a running eave with overhang. Since those spaces were not heated, the sprinklers could freeze and break causing a tremendous amount of damage. This happened fairly often in fraternity and sorority houses when the kids were gone during the Christmas break. He noted that in order to get sprinkler heads in those spaces, one had to take the floor or ceiling out and that was complicated and expensive. A Type 13 also did not allow PVC pipe, which added to the cost since dry standpipes, which were expensive, would need to be placed at the base of the system to protect against freezing. In addition, because there were more sprinkler heads, the size of the water service on the houses would likely go from a 4-inch to a 6-inch and 6-inch backflow preventer would be required. He noted this was all very expensive. He commented the cost of a job in Auburn, Alabama where they had to bring service under the street and up to the house was \$76,000. He pointed out the houses

here were closer to the street and the cost would be different relative to the different houses. He noted there was a significant amount of difference with regard to cost, but in terms of life safety, he believed there was very little difference. He stated there had never been a death in a fraternity or sorority house with a 13R sprinkler. He reiterated he believed sprinklers were the one fire safety item that genuinely worked in saving lives and felt the 13R system would do the job. He noted he was there to try to convince the Council to put the 13R into the ordinance, so they did not have to deal with getting an interpretation each time a job went to the City.

Ms. Hoppe asked how many out of the 27 fraternity and sororities had the 13R system. Mr. Cunningham replied he did not know, but believed that those that had sprinklers had a 13R because that used to be the requirement. He estimated about six had the 13R system.

Mayor Hindman suggested sending this back to the Building Construction Codes Commission. Mr. Janku agreed since it was the professional body that made the recommendation. Mayor Hindman noted those interested could talk to the Commission. He pointed out they would not be able to make a decision regarding this issue tonight.

Mr. Skala asked what the difference was between fraternity and sorority houses in regard to safety. Mr. Cunningham replied the men entertained in their houses and the women did not. He understood the University had a policy against having parties in the houses.

Mr. Wade agreed there were enough issues for the Building Construction Codes Commission to revisit this topic.

Mayor Hindman made the motion to refer this issue/topic to the Building Construction Codes Commission for further review. The motion was seconded by Ms. Hoppe.

Mr. Janku pointed out they received public comment from people on the other side of this issue when the Council made this decision a few months ago. He thought they would see that again if this moved forward. He noted tonight the discussion involved only one side of the issue and that they had heard compelling testimony at the time the ordinance was passed. He did not want anyone to think the policy was being reversed without giving them the opportunity to comment in the future. Mayor Hindman agreed, but also thought they heard some new things tonight that were not heard before.

The motion to refer this issue/topic to the Building Construction Codes Commission for further review, made by Mayor Hindman and seconded by Ms. Hoppe, was approved unanimously by voice vote.

(I) United Arts Fund.

Mr. Watkins stated this was a report requested by Mr. Janku.

Ms. Hunter commented that she believed the United Arts Fund could be a great way to raise funds for the arts. There were issues in regard to who would run it and how it would be funded in terms of start-up costs.

Mr. Janku thanked staff for the report and stated the City was currently doing a lot for the arts, which was why the City received the Creative Community Award. He thought this might be a way to take it to another level. He noted it was a difficult thing to do and politically, there were a lot of issues involved. He believed it was an idea that needed to percolate and

be discussed and supported by various groups. It could not be mandated by the City. He commented that he was involved in a meeting a while back where they discussed the possibility of a community foundation, which would be the type of entity that provided grants and start up funds, and if that was ever started, it would be an entity that could help address the funding issue. He reiterated that he just wanted to get the idea out there, so the community could discuss it and look for ways to address the issues involved.

Ms. Hoppe stated she sent out e-mails to people in the arts community to let them know about this and to obtain some feedback. Although they had a lot of questions, they were interested. She asked if it was appropriate for the Office of Cultural Affairs to contact some of the major groups to discuss their interest. Ms. Hunter replied they were in regular contact with a variety of agencies, particularly those that were funded, so they could do some surveying. She pointed out there would need to be a fair amount of education. In addition, she wondered how far they wanted to delve into this topic when there was not a start-up agency. She did not think there was anything wrong with talking about it with other groups, such as the Citizen Topic Group working on Art and Culture or the Cultural Affairs Commission. She noted that there tended to be a lack of understanding in regard to the campaigns, which caused agencies to be reluctant in participating early on.

Mr. Skala understood this overlapped with the responsibilities of the Cultural Affairs Commission in terms of community discussion. Ms. Hunter agreed and stated this could be shared with the Commission in order to begin the conversation. Mr. Skala thought that would be appropriate. Mr. Wade agreed and stated the Commission could then recommend to the Council if this was a policy area they should move forward with or not.

Mr. Janku commented that if they knew of communities where this had been a success, they could refer people to talk with their counterparts in those communities. He thought that would help make them more comfortable. He reiterated he did not see this as a mandate from City government.

Mr. Skala suggested sending this to the Cultural Affairs Commission to share with as many support groups as they had. Ms. Hunter stated the art groups were always interested in knowing how they could obtain more money. She noted they had an excellent Commission with a variety of interests and connections in the community, so it was an obvious place to start the conversation. She felt the difficulty was in regard to who was going to do it and how would it be funded. She thought there would be good support for something like this, but how it would occur was the question.

Mr. Janku made the motion to refer this report to the Cultural Affairs Commission for their information and for them to determine if they wanted to take any action or not. The motion was seconded by Mr. Skala. Mr. Wade did not think they should provide the report to the Cultural Affairs Commission as just information. He suggested they be asked to come back to the Council with a recommendation of either dropping this issue or moving forward with suggestions on how to move forward.

Mr. Janku stated he believed this was an idea that needed discussion and did not think they should request a response in the immediate term. He thought they could discuss it and obtain feedback from the community, and if they wanted to come forward after that, they could.

The motion made by Mr. Janku and seconded by Mr. Skala was approved unanimously by voice vote.

(J) Study of Stormwater Management and Water Quality Manual.

Mr. Watkins explained the Central Missouri Development Council (CMDCC) came to the Council and expressed their willingness to help pay for a cost-benefit analysis of the stormwater utility. It was discussed by the Stormwater Task Force and while they agreed it needed to be done, the vote was not unanimous. He noted they also had two other stormwater issues that needed to be dealt with. When Columbia reached a population of 100,000, the rules would change and the City would be held to a much tighter set of standards, so they needed to think about what they were going to do. In addition, the stormwater ordinance approved by Council significantly changed the maintenance costs the City stormwater utility would have to take on and eliminated a fair amount of funding that had been coming into the stormwater utility. He thought they needed to look at how they wanted to fund stormwater management. There was discussion earlier in the meeting indicating the need to add more inspectors and enforcement personnel. He agreed, but noted that every time they did that, another project would not be undertaken in the older neighborhoods of the community, which was one of the objectives of the stormwater utility. Staff was suggesting they look into doing a study that reviewed the cost, particularly the maintenance cost, of the stormwater ordinance to see if there were opportunities to change minor pieces of the ordinance that would have minimal impacts on the quality of the streams and major impacts on cost savings. In addition, staff was suggesting they review what needed to be done in 3-4 years and how they should position themselves in order to do it. They were also suggesting a review of the overall cost of the stormwater operation just to handle what they already did in terms of stormwater enforcement ordinances. He noted this might involve changes in cost structure and increases in the stormwater cost on utility bills. He was recommending this be done by someone outside the community, so there was not an appearance of any relationship. Staff felt it was appropriate to move this report/study forward. It would coincide with what they were doing with the other three major utilities as they looked at their rate structures and why they did what they did.

Ms. Hoppe understood the City would fund the study and would not be accepting funds from any special interest group. Mr. Watkins stated staff felt uneasy about funding the study with CMDCC's money. In addition, that would only pay for a piece of the proposal. If Council wanted, one option was for the CMDCC to donate money to the stormwater utility.

Mr. Janku asked if this was limited to the stormwater management issues or if it included the questions/suggestions that were brought up to be reviewed in the future with regard to the stream buffer ordinance. If the stream buffer issue was not included, he felt the cost-benefit questions would be raised again. He asked if they wanted to include it in the study. Mr. Watkins replied they had not thought of that, but felt it was a good question. Ms. Nauser thought they had asked for a report and agreed that they should try to take care of both issues since they were interrelated.

Mayor Hindman asked if the Council was entitled to raise stormwater fees or if it required a vote. Mr. Boeckmann replied a vote was required. Mayor Hindman understood it

did not take a vote to raise the water rates. Mr. Boeckmann explained water rates were based on the City's cost of providing it to the consumer. Mr. Janku asked if the City was at the maximum for stormwater fees. Mr. Boeckmann replied there was a ballot issue with two questions combined. One question involved setting the development charge for stormwater and the other involved revenue bonds. The revenue bonds were never issued and instead the fee that was to retire the bonds was issued. The ballot language also authorized the fee to be set before the bonds were issued, but the bonds had never been issued. Mayor Hindman noted the City had a utility where the costs continually went up and they were not able to meet those costs by adjusting the fees along with the utility costs. Mr. Boeckmann explained the City called it a utility, but it was different than the sewer, electric or water utilities where one was actually selling a service or product to the public. Mayor Hindman thought they were doing that by removing the stormwater. He wondered what the difference was between stormwater and sewer. Mr. Boeckmann replied people living in the City were charged a sewer rate based on their water use. It was specific to the consumer. Electricity was metered, so the electricity one used was charged to that consumer. With stormwater, the rain fell and water traveled where it traveled and the City did not do anything for a specific fee to be based on. Mayor Hindman asked if the fee was based on impervious surface. Mr. Boeckmann replied yes, but noted it was not based on a service the City was providing to specific individuals. Mayor Hindman stated he thought it was. Mr. Boeckmann replied it was more like a tax than a utility charge.

Ms. Hoppe asked if sewer was prorated based on how much sewage one had. Mr. Boeckmann replied it was based on water usage. In addition, it was based on winter use since during the summer people watered lawns and etc. He noted there was a rational way of calculating it. He pointed out the St. Louis Metropolitan Sewer District tried to raise their fees and lost a court case because of the way their fees were structured.

Mr. Wade asked if they could go back to the question of whether they would do a study and whether the rates would be included in that study. Mayor Hindman explained he was asking these questions because he was hoping they would be able to deal with the rates without a vote.

Mayor Hindman stated he thought the idea of looking in the future for a City of 100,000 was good and preferred they take on those tougher regulations sooner. He also believed they needed to look at stormwater rates. He thought they might be able to come up with a legal way to increase the fees with the cost of construction or something. He did not think they wanted to lock themselves into a situation where they were constantly unable to keep up. The cost-benefit analysis issue worried him. He thought the City's goal was to do what was needed to protect the streams. The thought of it not protecting the stream as much due to the cost was of great concern to him. He was suspicious of how that would work. He wondered how they would create a cost-benefit analysis that would only hurt the stream a little. He commented that it took five years for the Stormwater Task Force to get this done and they settled on many things. He noted they settled on the 100-year storm and that was the first thing that was being attacked. He stated the Corp of Engineers always did cost-benefits and always ended up building a dam. He was really worried about that aspect of the report. If they were going to look at cost-benefit, he thought they needed to look at the costs

and benefits of lawns, which was something that was not pursued. He noted it would not cost anything to keep people from mowing their lawns and the benefits were enormous.

Mr. Skala stated he thought there was a consensus amongst Council that some things would be revisited within 4-6 months when the stream buffer ordinance was passed. Mr. Watkins stated he thought they wanted to live with it for a while and noted some of these things had not gone into effect yet, so they did not have any experience.

Mr. Janku understood there were already people who had done these types of studies. Mr. Glascock replied yes. Mr. Janku thought if they could see a work product, it might address the concerns expressed by Mayor Hindman because they could see the types of judgments made. He noted they would be paying a lot of money for the study and if they were not comfortable with the types of judgments made, he did not think they should be spending the money. Mr. Glascock explained the reason that was in the report was because it was requested by Mr. Hutton. The other two items were something staff wanted to pursue. Mayor Hindman stated he agreed those should be done.

Ms. Hoppe noted another issue in regard to this cost-benefit analysis involved the measures the group compromised on and did not include in the ordinance. Those might have created more of a cost to the community or might have created a benefit. It did not just involve the measures that were passed. It also involved the measures that were promoted, but not passed. She pointed out there were two sides to the cost-benefit analysis. Mayor Hindman stated he agreed. Mr. Skala noted he also agreed. Mr. Glascock explained they would bring forward for Council approval a scope of services from a consultant. He noted they would try to have enough detail, so they would know how much each piece would cost. Mr. Janku asked if there would be an identified consultant. Mr. Glascock replied yes.

Mayor Hindman stated he believed it would be interesting to try to determine the cost to the public for not having had adequate stormwater ordinances. Ms. Hoppe stated that was what she was trying to address. Mayor Hindman explained he was looking at the history alone as he thought the cost would be enormous. Mr. Skala stated he recently received an e-mail regarding basement repairs of \$10,000 - \$12,000 due to stormwater damage.

Mr. Janku made the motion directing staff to bring forward a report including a suggested consultant and scope of work. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

(K) Sidewalk Master Plan Additional Needs – Ballenger Lane and Others.

Mr. Watkins explained Council had asked staff to look at adding Ballenger Lane to the Sidewalk Master Plan. It was reviewed and scored four out of seven possible points in the rating matrix. This was typical of a neighborhood collector street, but in terms of the City's entire priorities, it ranked towards the lower middle. Staff was recommending that roads such as Ballenger Lane be included in a list of emerging needs that could then be added to the Plan while recognizing those would not score well and they would not fund those right away.

Mr. Skala stated he agreed Ballenger merited at least the four of seven as had been suggested. He thought it was imprecise to talk about Ballenger Lane, which might be a road used to get an overpass over I-70. He noted he was really talking about the whole Clark Lane corridor. He understood this would involve a lot of money. Mr. Watkins pointed out

Clark Lane would have sidewalks on it as it was rebuilt. Mr. Skala understood, but noted the sidewalks would only be from St. Charles to Ballenger Road. The improvement area for the entire corridor went all of the way to 63 and was part of Ballenger Road. He noted they had to deal with the multi-jurisdictional problem as the road was owned by the City, State and County and everyone appeared to pass it off. He explained the entire corridor was an unimproved road and could also be considered in the list of emerging needs. He clarified that when he said it, he was not just referring to Ballenger Road. He meant the entire corridor.

Mr. Janku agreed the entire corridor was significant, but thought if they looked at it in pieces, some of the pieces might score better or be a higher priority. He explained the portion from Hanover to the improved area that already had a sidewalk was a short stretch, but would open up a large area that could feed into it. Mr. Skala agreed that did have more promise than the Ballenger Road that was recommended. He agreed that was a way to open that road up as a higher priority than Ballenger.

Mr. Skala made the motion for a staff report on the analysis from Hanover to the improved area on Clark Lane. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

(L) Street Closure Request.

Mr. Watkins explained they had a proposal for a street closure on Ninth Street, which was handed out at the pre-Council meeting. He noted this was done last year with good results.

Mayor Hindman made the motion to approve the street closure as requested. The motion was seconded by Mr. Skala and approved unanimously by voice vote.

APPOINTMENTS TO BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Larry Schuster, 3109 Hill Haven Lane, thanked staff for alerting them to the fact the Fire Code issue in regard to fraternity and sorority houses was going to be discussed in the Reports section of the agenda. If that had not been done, they would not be speaking and Council would have falsely assumed everyone was content and things were moving along as intended, which was not the case. He agreed the Council should have been listening to this during the stage Mr. Janku had suggested earlier, but they had not been informed. He noted Protective Inspection had every landlord and person in charge of properties on file. In addition to referring this to the Building Construction Codes Commission for further review, he suggested the people be notified as there could be no discussion without notification. Since this targeted a group of people by association, it was imperative to notify them when discussing further regulations. He noted there was no definition in the Code as to what a fraternity or sorority was and Battalion Chief Sapp indicated he simply relied on a list from the University. He commented that he believed this needed to be approached on a fair and equitable basis and pointed out he was told the fraternities and sororities were specifically targeted for the first phase on sprinklering for every residential structure in the City. They

wanted the Council to provide clarification. He explained the Phi Delta Theta house on Burnam would no longer be occupied by a Greek group, but would be occupied by a religious group. He understood they would now not have to meet the Codes because they would not be identified as a fraternity or sorority.

Kathy Walther, 2209 Yuma, stated she was representing Delta Delta Delta since a majority of their members could not attend due to the short notice. She concurred with the items already presented to the Council and in particular, Mr. Cunningham's presentation as he was employed by the sorority to help them sort out the fire suppression issues. In regard to why sororities were different, she explained on this campus, all of the sororities had live-in housing directors who were employed to live there on a 24/7 basis. In addition, they participated in the dry campus policies. Candles were no longer allowed in any of the housing areas. They were only used for ceremonies and were immediately extinguished and gathered. The cooking equipment was protected by suppression hoods and inspected for all of the food service health ordinance issues. These things made the sorority houses safer than off-campus housing and dormitories that were not sprinklered. She understood they were primarily trying to address which fire sprinkler system was appropriate for these houses. She explained the Housing Corporation Board, which had gathered two other times, was frustrated with the poor notice and discussion of this policy. They believed the fraternities and sororities were being singled out since other existing R-2 structures had not been addressed in this new amendment. She thanked the Council for the opportunity to speak and hoped they would revisit this issue for fairness and communication.

Ms. Hoppe made the motion for staff to specifically notify the fraternity and sorority boards of the Building Construction Codes Commission's hearing on this matter. The motion was seconded by Ms. Crayton.

Mayor Hindman asked if that could be done by notifying the University's Greek Life. Ms. Hoppe replied she understood that caused the problem last time. Mr. Janku asked if the fraternities and sororities could provide their contact information to the City. Ms. Hoppe replied they indicated Protective Inspection had all of that information. Mr. Watkins stated staff was developing the list and their intent was to provide notification. Ms. Hoppe was satisfied with that and did not require a vote on the motion.

Ms. Hoppe stated she attended an East Pointe Association meeting and one of their big concerns was speeding. They wanted the neighborhood speed limit to be 25 mph instead of 30 mph. She commented that she wanted an ordinance drafted for Council review and approval. Mr. Watkins suggested obtaining a staff report first. This would allow them to determine what it would entail and what the impacts might be. Mr. Glascock asked which section of road she was referring to. Ms. Hoppe replied it was the entire neighborhood, which started as East Pointe just south of MFA near Hollywood Theatres. Mr. Glascock believed that was a dead end, so it would be the residents themselves speeding. Ms. Hoppe understood people went through the neighborhood in accessing Hollywood Theatre. Mr. Glascock stated he did not think there were any through streets, but would check into it. Ms. Hoppe suggested they start with East Pointe Drive. She reiterated they wanted the speed limit to be 25 mph throughout the neighborhood. She noted there were about 50 people in

attendance and they unanimously agreed. Mr. Glascock pointed out it had to be enforceable. Ms. Hoppe thought they would be happy with a sign.

Ms. Hoppe made the motion for a staff report regarding changing the speed limit in the East Pointe neighborhood to 25 mph. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman noted studies showed speeding in the neighborhood was primarily a result of the neighbors themselves. Ms. Hoppe thought they might want to police themselves.

Ms. Hoppe understood neighborhood associations were registered with the City and received notice when developments were happening nearby. She noted East Pointe did not receive notice of the development at 63 and Stadium because they were not an official neighborhood association. She wanted the Council to consider an ordinance requiring neighborhood property associations and homeowner associations to also be provided notice regarding development in the immediate area. She believed the goal was to provide notice to the community on what was happening in their area.

Mr. Wade explained the Processes and Procedures Stakeholders report recommended the Planning & Development Department develop a mailing list of homeowner associations. They would not grant them the same official status as neighborhood associations, but would simply compile a contact list to include in notification. He was not sure of the easiest way to do that, but noted it was a recommendation.

Mr. Janku understood one of the challenges was to find everyone since they were not officially registered. Mr. Wade believed the Planning & Development Department was already sensitive to the problem of notifying homeowner associations. Now, there needed to be some implementation. Ms. Nauser understood management companies handled about 95 percent of all neighborhood or homeowner associations, so it probably would not be that difficult to pass the information along to them. Mr. Skala thought homeowner associations were legal entities and needed to be registered somewhere. Mayor Hindman believed they were registered with the Secretary of State, but did not think they could obtain the entire list from them.

Ms. Hoppe asked if the homeowner associations and property associations could register with the City notifying them that they existed and wanted to be notified of things. Mr. Watkins replied if they registered, it made it simpler for purposes of notice. If they were asking staff to compile a list and keep it up to date, that could be problematic. Ms. Hoppe pointed out she was suggesting the burden be put on the homeowner or property associations to register with the City.

Ms. Hoppe made the motion for a staff report in regard to allowing homeowner and property associations to register with the City in order to be notified of nearby developments. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Ms. Hoppe understood a sign was not present at a rezoning site she had read about. She also understood the City was not required to post a sign to notify the public of a rezoning request being considered, but had been doing so for ten years. She thought it should be required because a lot of people did not get the newspaper and relied on the signs to find out

what was happening in their neighborhood in terms of zoning. Mr. Watkins stated they posted signs for every project. The concern regarding it being a requirement was that if someone wanted to kill or postpone the rezoning, they would remove the sign and state it was not posted. He noted that was the reason for the latitude. He pointed out they looked at multiple modes, such as communicating with the neighborhood association, posting the sign and placing a notice in the newspaper, and was hopeful people would see one.

Mr. Wade noted in regard to the case Ms. Hoppe was referring to, staff had simply forgotten and it was the only time in fifteen years that had happened. It was an extremely rare case.

Mr. Skala stated he agreed that they did occasionally disappear as well. Mr. Watkins noted they regularly had to order more signs.

Ms. Hoppe understood City buses displayed specific destinations and businesses, such as Wal-Mart or Hy-Vee, and inquired as to whether they were paying for advertising, which they were not. She believed they were favoring one business over another by putting those names on the buses. She noted she had received complaints from business owners and citizens and suggested identifying a location, such as the Conley Area, unless they received money to help pay for the bus system.

Ms. Crayton stated the people who used the bus needed to know where they were going. She believed the people who were complaining did not ride the bus. She explained many of the people using the bus could barely read. They needed to know what direction they were going in and needed a focus point. If the red line went to Hy-Vee, they needed to know that. Ms. Hoppe stated others might not know where Hy-Vee was located, so they would not know where the bus was going. She was suggesting locations such as Broadway and 63. Mr. Janku stated he thought Ms. Crayton had an excellent point in that the people who used the bus system wanted to know their destination. Ms. Hoppe believed these other businesses had a valid concern. Mayor Hindman agreed there might be competing interests.

Ms. Hoppe made the motion for a staff report regarding a review and recommendation of the issue regarding whether to display business names or street intersections/locations.

Mr. Skala stated he thought whether it should be an intersection or store name was worth discussing.

Ms. Nauser stated due to the rising costs in fuel and construction, along with on-going maintenance and upkeep issues, she wondered if they wanted to allow advertising on the buses and corporate sponsors for shelters at the parks. She believed the renaming of State Farm Parkway was an example. State Farm had donated right-of-way and in return had a street named after them. She noted it was not something she particularly liked, but it was the way of the future. Big companies were willing to spend money on advertising and the City needed a lot of things built.

Mr. Glascock noted the Transit Division was working on this. The Master Plan included trying to have advertising on buses and benches. In regard to the destination board, he pointed out one only had a couple of seconds to see where the bus was going because it was changing. They were not static anymore. Mr. Skala asked if most bus systems used numbers instead of names. Mayor Hindman thought they used colored routes. Ms. Crayton

was concerned with tampering with the system as it would significantly affect a segment of population.

Mayor Hindman understood staff would look into these issues.

Mr. Wade made a motion for a report from the Water & Light Advisory Board on the potential of neighborhood scale fuel cells as part of the City's electrical generating capacity and capability. He wanted the report to indicate technical feasibility and economic feasibility and to include a proposal to obtain and test a fuel cell. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Wade stated a few weeks ago there was an article in the newspaper about collecting restaurant grease in Columbia, which was then taken to the landfill. The March/April 2007 Public Power magazine included an article entitled "Riverside Grease" where the City of Riverside and other cities used restaurant grease in a grease-to-power project where they ran a cogeneration engine. Another community used the grease as the feedstock for a fuel cell for electrical generation.

Mr. Wade made the motion for a staff report on the potential of using restaurant grease for descaled electrical generation to include what other communities were doing. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Wade stated he received an inquiry about the options for slowing traffic on Edgewood Avenue and forwarded the request to staff so they had the details.

Mr. Wade made the motion for a staff report on the options for slowing traffic on Edgewood Avenue.

Mayor Hindman asked what part of Edgewood this involved. Mr. Wade replied it was the first couple of blocks south of Broadway. Mayor Hindman asked if it was between Broadway and Stewart. Mr. Wade replied yes.

The motion made by Mr. Wade was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Wade stated he had received an e-mail concerning a pothole that presented safety problems on Rollins at its intersection with Scott, which he forwarded to staff. He understood it was scheduled for more permanent repair later, but Public Works quickly responded with a temporary repair to eliminate the safety hazard. The person who contacted him was most pleased with the City's response. Mr. Wade thanked Public Works for their quick response and action.

Mr. Wade stated he would hold meetings for the Fourth Ward regarding capital improvement projects. They would be at 7:00 p.m. on Wednesday, May 16th at the Library and on Thursday, May 17th at Fairview School. The purpose of the meetings was to give Fourth Ward residents an opportunity to discuss the criteria to apply to decisions and to provide input on the proposed projects.

Mr. Skala stated at the last meeting he asked that the land disturbance issues discussed by the EEC be reviewed and due to the comments made under Scheduled Public

Comments regarding stormwater runoff at The Links, he wanted to point out there were some problems with the new rules in terms of storing water runoff and with the silt fences, etc. He understood City policy was to grant a land disturbance permit and to then try to enforce whether or not the silt fences were up, etc. and occasionally, if there was a waterway involved, DNR could also do an inspection. He did not believe there was an effective way to enforce things until the occupancy permit was scheduled and it appeared there was a large gap between the time the land disturbance permit was authorized and the time the occupancy permit was authorized. A lot of things could go on and there were a lot of complaints in the interim. He was not sure what could be done, but wanted to make that comment. Mr. Glascock stated they could issue orders to stop work and noted they had done so in regard to The Links project. In addition, they had DNR there. He noted one of the issues was that it involved a lot of private streets and they went ahead and built the buildings, but would not pave the streets until later because they did not want them broken up by the heavy equipment. Mr. Skala asked if there was a way to get that message out to the public because a lot of this was happening behind the scenes. Mayor Hindman agreed. He asked why they could not just stop them until they did it right. Mr. Glascock replied they did stop them, but once they were compliant, the City had to let them start up again. They did not get back out there until an inspection was done or until someone complained. Mayor Hindman asked how many times a stop order had been issued. Mr. Glascock replied he was not sure. He knew they had until the May 15 to get something corrected for DNR. He explained they had so many days to correct the problem before work was stopped.

Mr. Janku asked how the private streets made it more difficult. Mr. Glascock replied it was because they were tracking mud all over the site. They were supposed to have rock entrances, but those fill up with mud and it was then tracked out onto the streets. They did not want the heavy equipment on their private streets because it would break them up. Mr. Janku asked how that was different with public streets. Mr. Glascock replied that if it was a public street, they would build the street and use it now.

Mayor Hindman thought there was something wrong with them being able to make the public suffer by silting the public streams to save a few bucks. Mr. Glascock explained they had two ordinances. One involved Chapter 12A and indicated they had to have erosion control in place. The other was Section 24-9 which dealt with erosion leaving one's property. He noted it was hard to legally determine where that erosion came from once it was in the stream. Mr. Skala thought the ordinances might need to be reviewed. Mayor Hindman agreed. He thought this was something they should be able to control and felt they needed to find a way to make the contractors pay that extra bill. Mr. Skala suggested they make it clear in the ordinance so there was no question. Mayor Hindman understood part of the problem was manpower. Mr. Skala reiterated that he thought this needed to be communicated to the public. Mr. Glascock stated they could do a news release, but he did not know how many people it would reach. He asked if they had any other suggestions.

Mr. Skala stated he mentioned at the last meeting he would be holding office hours at the Coffee Ground on Broadway and the press reported he would do that immediately and every Saturday. He explained that was not quite accurate and clarified he intended be

available on the Saturdays before the first and third Mondays the Council met beginning on May 12th from 8:30 a.m. to 10:30 a.m. Other dates were June 2nd, June 16th, June 30th, July 21st, July 28th, August 4th and August 18th.

Mr. Janku stated a while back he had brought up the issue of naming alleys downtown. They received a report, but no action was taken. Recently, he was contacted by a downtown business person who was attempting to access the alley for business purposes and was told it needed to have an address. In order to obtain an address, the alley needed a name. He noted this would also help with commercial activities in the alleys.

Mr. Janku made the motion to direct staff to move forward with the process of naming of alleys within the City. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku noted they had received a report about Wi-Fi for the Council Chamber.

Mr. Janku made the motion for staff to proceed with the third party option recommended in the report and to explore the possibility of having Wi-Fi for other public spaces, such as the Riechmann Pavilion and Flat Branch Park. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku stated he understood they hoped to have access to the lake located west of Ponderosa Street. Mr. Watkins asked if he was referring to Philips Lake. Mr. Janku replied he thought that was the question because it had not been named. He knew they would eventually have a Master Plan, but if they were going to provide public access and put up signs, he felt it needed to be named.

Mr. Janku made the motion to proceed with the process for naming the lake, which included the Parks and Recreation Commission holding a public hearing and providing recommendations to Council. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mr. Janku noted a while back he brought up the issue of developing the Providence Road Plan. He understood the Planning & Zoning Commission was working on it and wanted a status report. He wanted to make Providence Road a better entryway into the community.

Mr. Janku stated he thought the City's website had greatly improved and commended staff for its work. When visiting Kirksville's webpage, he noticed they had a really good webcast. One could access three or four different things, including a presentation by the City Manager. He believed this was a way to get information out. Mr. Watkins stated the City was looking into streaming.

Mayor Hindman thought it would be helpful to get additional information regarding the Sunflower versus Sixth Street issue in order to compare the two situations to ensure they were handled equitably and properly.

Mayor Hindman made the motion for a report regarding the Sunflower and Sixth Street tax bill issues. The motion was seconded by Ms. Hoppe and approved unanimously by voice vote.

Mayor Hindman noted comments made earlier regarding vacant and abandoned housing and felt having the nuisance ordinance passed was a big improvement. He thought they needed to look into further activity with ordinances that dealt with vacant and abandoned houses. One technique he had read about was the receivership technique. He did not know if Missouri law would allow it, but the basic idea was to take over the house, fix it up, put it in receivership and tax bill it. The owner could get it out of receivership if they wanted, otherwise it would be sold. He noted he had previously asked about it and was not sure of the status of the report. Mr. Boeckmann stated he did not recall receivership specifically.

Mayor Hindman made the motion for a staff report regarding the possibility of the receivership technique to deal with vacant and abandoned housing. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman reminded everyone Bike, Walk and Wheel Week would begin Saturday at Flat Branch Park along with the dedication of the underpasses at Stewart, Providence and Elm.

Ms. Crayton made the motion for staff to develop an evaluation system as suggested during the discussion for R109-07, which dealt with the FY 2007 Action Plan. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

The meeting adjourned at 11:19 p.m.

Respectfully submitted,

Sheela Amin
City Clerk